United Nations S/AC.52/2011/32

Security Council

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Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya

Note verbale dated 27 June 2011 from the Permanent Mission of Algeria to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Algeria to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya and has the honour to transmit herewith the report submitted to that Committee by the Government of Algeria pursuant to Security Council resolutions 1970 (2011), paragraphs 9, 10, 15 and 17, and 1973 (2011).

The Government of Algeria stands ready to provide the Committee with other reports or information as necessary or if requested by the Committee.

11-45199 (E) 190811 230811

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Annex to the note verbale dated 27 June 2011 from the Permanent Mission of Algeria to the United Nations addressed to the Chair of the Committee

Algiers, 20 June 2011

Report on the implementation of United Nations Security Council resolutions 1970 (2011) and 1973 (2011)

In connection with the implementation of Security Council resolutions 1970 (2011) and 1973 (2011), and pursuant to paragraphs 9, 10, 15 and 17 of resolution 1970 (2011), the Algerian Government has taken the following measures:

- Establishment of an inter-ministerial committee, chaired by the Ministry of Foreign Affairs, with responsibility for monitoring the implementation of the measures introduced by the Security Council in resolutions 1970 (2011) and 1973 (2011)
- Notification of the relevant national government bodies, through the Ministry of Foreign Affairs, in order to inform them of Algeria's obligations under the above-mentioned Security Council measures
- Designation of the Ministry of Finance as the national authority responsible for implementing the Security Council's decisions regarding the freeze on the financial assets and economic resources of individuals and entities listed in annex II to Security Council resolution 1973 (2011)

1. Arms embargo

Algeria has decided to comply with the measures established by the Security Council with regard to the arms embargo. To that end, the contents of paragraphs 9, 10, 12, 13 and 14 of Security Council resolution 1970 (2011) and paragraphs 13, 14, 15 and 16 of resolution 1973 (2011) have been brought to the attention of the Ministry of Defence, the Ministry of the Interior, the Ministry of Transport, the National Security Directorate and the Customs Directorate, which are concerned by the implementation of those measures.

2. Travel ban

Pursuant to paragraph 15 of resolution 1970 (2011), the National Security Directorate has provided the border police with the list of individuals contained in annex I to resolutions 1970 (2011) and 1973 (2011), who are subject to the travel ban, instructing them to ensure that it is applied at all border posts.

As of the date of preparation of this report, no individuals appearing on these lists have been identified at the Algerian border posts.

3. Asset freeze

In its capacity as the national authority mandated by the Government to implement the Security Council's asset-freeze decisions, the Ministry of Finance sent a circular to the Bank of Algeria, the Treasury Directorate, Algérie Poste, and all banks and insurance companies, with regard to the implementation of those decisions pursuant to paragraph 17 of resolution 1970 (2011) and paragraph 19 of

resolution 1973 (2011). The content of the circular was also sent, through the Ministry of Justice, to the National Chamber of Notaries. The circular required the said bodies to:

- Freeze all movements or transfers of funds and any other transactions likely to be carried out by, or on behalf of, the individuals or entities listed in the annex to resolutions 1970 (2011) and 1973 (2011)
- Freeze all economic resources and other property transfers likely to be carried out by the same individuals or entities

With regard to individuals, it is clear from the information reported by banks and the Algerian Trade Registry that there have been no registrations of domicile or entries in the trade registry under their names.

In the case of entities with interests in Algerian companies, the following shareholdings are subject to the decision to freeze assets and economic resources:

- Approximately 15 per cent of the capital of Housing Bank for Trade and Finance Algeria, held by Libyan Arab Foreign Investment Company (LAFICO)
- Sixty-six per cent of the capital of Société algérienne de Développement Hôtelier, held by LAFICO
- About 50 per cent of the capital of Banque du Maghreb Arabe pour l'Investissement et le Commerce (BAMIC), held by Libyan Foreign Bank
- Approximately 60 per cent of the capital of LAFIDER, a joint venture under Algerian law, held by LAFICO. The operations of LAFIDER had already been frozen prior to the adoption of the Security Council measures, owing to a disagreement between the Algerian and Libyan officials concerned
- Interest held by the Libyan Central Bank, through ABC Bahrain, in the capital of Arab Banking Corporation Algeria

4. Ban on flights

Pursuant to the provisions of paragraphs 17 and 18 of Security Council resolution 1973 (2011), the Ministry of Defence and the Ministry of Transport have been instructed to take the necessary steps to implement the measures introduced by the Security Council concerning the ban on flights by aircraft registered in the Libyan Arab Jamahiriya or owned by Libyan nationals or companies, unless authorized by the Security Council Committee.

5. Humanitarian dimension

Algeria, which had over 8,000 nationals resident in the Libyan Arab Jamahiriya, has kept its borders open to receive both nationals and aliens leaving that country.

Algeria has taken the necessary steps to help repatriate its nationals, particularly by scheduling special flights and sending a vessel belonging to the national maritime company to the ports of Benghazi and Tripoli.

In coordination with the diplomatic representations of the countries in question, accredited in Algeria, the Algerian authorities have taken all necessary steps (accommodation, food, health care and transport) to facilitate the border

crossing, transit and repatriation, to their respective countries, of individuals of some 40 nationalities.

As of the date of preparation of this report, 13,874 people, including 8,410 Algerian citizens, had been recorded as entering Algerian territory.

With regard to humanitarian assistance, the Directorate of Civil Protection and the Algerian Red Crescent have deployed considerable human and material resources to assist Algerian and foreign nationals at the reception centres set up on the Algerian side of the border, in Debdeb and Ain Amenas.

In order to provide assistance to people in the border area between Tunisia and the Libyan Arab Jamahiriya, three Algerian humanitarian convoys have transported over 200 tonnes of goods (blankets, mattresses, water, medicines and three mobile kitchens) to the Tunisian-Libyan border post of Ras Adjir. The Algerian Red Crescent has an emergency response team on the ground, with 26 members (psychologists, doctors, nurses, etc.) and eight medical evacuation vehicles.

6. Requests from the Libyan Government

Following a number of requests from the Libyan Government, the Government of Algeria, in compliance with the measures established by the Security Council in resolutions 1970 (2011) and 1973 (2011), has decided to meet a request concerning the supply of basic foodstuffs (pasta, rice, semolina, oil, baby milk, etc.) and pharmaceutical products throughout Libyan territory.

It has been decided that the corresponding transactions will be conducted by Algerian and Libyan operators. The goods will be transported exclusively via the Algerian-Libyan border post of Debdeb.

The Algerian Government has decided to invite a representative of the United Nations system in Algeria to assist with these operations and to notify the Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya as and when they take place. This decision has been brought to the attention of the said Committee prior to its implementation.

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Letter dated 28 June 2011 from the Permanent Representative of Denmark to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Denmark to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1970 (2011) and has the honour to attach herewith its report on the concrete measures taken by the Government of Denmark pursuant to paragraphs 9, 10, 15, and 17 of resolution 1970 (2011) of 26 February 2011 (see annex).

11-45184 (E) 220811

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Annex to the letter dated 28 June 2011 from the Permanent Representative of Denmark to the United Nations addressed to the Chair of the Committee

Report by Denmark submitted pursuant to paragraph 25 of Security Council resolution 1970 (2011) of 26 February 2011 concerning the Libyan Arab Jamahiriya
June 2011

Implementation by Denmark of Security Council resolutions 1970 (2011) and 1973 (2011) concerning the Libyan Arab Jamahiriya

Denmark and the other member States of the European Union have jointly implemented the restrictive measures against Libya imposed under resolutions 1970 (2011) and 1973 (2011) by taking the following common measures:

- Council Decision 2011/137/CFSP of 28 February 2011 concerning restrictive measures in view of the situation in Libya, as amended by Council Decision 2011/178/CFSP of 23 March 2011, Council Implementing Decision 2011/236/CFSP, Council Implementing Decision 2011/300/CFSP and Council Implementing Decision 2011/345/CFSP set out the basis for European Union implementation of all the measures contained in resolutions 1970 (2011) and 1973 (2011), notably:
    - Embargo on arms and related materiel
    - Embargo on equipment which might be used for internal repression
    - Ban on provision of certain services
    - Prior information requirement on cargoes to and from Libya
    - Restrictions on admission of listed natural persons
    - Freezing of funds and economic resources of listed persons, entities and bodies
    - Prohibitions on granting certain claims to listed persons and entities and any other persons and entities in Libya, including the Government of Libya
    - Ban on flights in the airspace of Libya
    - Ban on flights of Libyan aircraft in the airspace of the European Union
    - Additional exceptions to the freezing of funds and economic resources
    - Vigilance requirement when doing business with Libyan entities;

Council Implementing Decision 2011/236/CFSP, Council Implementing Decision 2011/300/CFSP and Council Implementing Decision 2011/345/CFSP establish, for the purpose of the restrictions on admission and the assets freeze, the list of persons and entities in accordance with determinations made by the Sanctions Committee pursuant to paragraph 22 of resolution 1970 (2011) and persons and entities listed according to autonomous European Union decisions.

- Council Regulation (EU) No. 204/2011 of 2 March 2011 concerning restrictive measures in view of the situation in Libya as amended by Council Regulation (EU) No. 296/2011 of 25 March 2011;
- Council Implementing Regulation (EU) No. 360/2011 of 12 April 2011;
- Council Implementing Regulation (EU) No. 502/2011 of 23 May 2011;
- Council Regulation (EU) No. 572/2011 of 16 June 2011.

Within the European Union member States, restrictions are implemented by Council Regulations. The Council Regulations are directly legally binding with respect to national implementation among European Union member States of the freezing of funds and economic resources of persons, entities and bodies as designated by the Sanctions Committee and of the prohibition of making funds or economic resources available to such persons, entities or bodies, with certain exemptions as provided for in resolution 1970 (2011).

The Council Regulations also implement, within the European Community, the embargo on equipment which might be used for internal repression, as well as the ban on flights in the airspace of Libya and flights of Libyan aircraft in the airspace of the European Union.

Denmark has the following national legislation requiring an authorization for the export of arms and related materiel to other countries than Denmark and an authorization for the provision of brokering services, which, together with Council Decision 2011/137/CFSP, provides the basis for enforcement of the arms embargo against Libya and the ban on related brokering services:

- Section 6 of the Danish Weapons Act prohibits, without a specific licence from the Minister of Justice or from the person authorized by the Minister to issue such a licence, the export of weapons of any kind, defence-related material and so forth. Section 6 applies to any situation where items are transferred from Denmark to another country, regardless of whether the transfer takes place in relation to export, transit, trans-shipment or re-export. Export licences shall not be issued to countries in violation of resolution 1970 (2011);
- Section 7 (a) of the Danish Weapons Act prohibits the transport of weapons of any kind, defence-related material and so forth between countries other than Denmark, when the recipient country is listed in the Government Order on Transportation of Weapons. The list includes all countries that are under an arms embargo of the United Nations, the European Union or the Organization for Security and Cooperation in Europe;
- Section 7 (b) (1) of the Danish Weapons Act similarly prohibits, without a specific licence from the Minister of Justice or from the person authorized by the Minister to issue such a licence, the negotiation or arrangement of transactions, as a broker, that involve the transfer of weapons and so forth, as defined in section 6, between countries outside the European Union. In addition, section 7 (b) (1), subparagraph (2) prohibits the purchase or sale of weapons and so forth, as defined in section 6, as part of a transfer between countries outside the European Union, or, as the owner of the weapons and so forth, the arrangement of such transfer; section 7 (b) (2) provides that the prohibition shall not apply to acts performed in another European Union

member State or to acts performed outside the European Union by persons with permanent residence outside Denmark.

- Violations of the above-mentioned rules are a criminal offence punishable by fine or imprisonment, as provided for in the Danish Weapons Act, section 10, and under aggravating circumstances, section 192 (a) of the Danish Penal Code.

Council Regulation (EC) No. 539/2001 and its subsequent amendments require nationals of Libya to be in possession of a visa when entering the European Union.

As regards restrictions on admission (visa ban), Denmark has the following national legislation, which, together with Council Decision 2011/137/CFSP, Council Decision 2011/178/CFSP, Council Implementing Decision 2011/236/CFSP, Council Implementing Decision 2011/300/CFSP and Council Implementing Decision 2011/345/CFSP, provides the basis for refusal of admission and denial of requests for a visa:

- The Danish Aliens Act empowers the competent Danish authorities to impose entry and transit restrictions on persons designated by the Sanctions Committee. The necessary instructions will be issued immediately after the designation of such persons.

Ministry for Foreign Affairs of Denmark
June 2011